SIMPSON THACHER & BARTLETT LLP
425 LEXINGTON AVENUE
NEW YORK, N.Y. 10017-3954
(212) 455-2000

FACSIMILE: (212) 455-2502

DIRECT DIAL NUMBER
(212) 455-3475

E-MAIL ADDRESS
mcunha@stblaw.com

MEMO ENDORSED

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THEODORE H. KATZ
US MAGISTRATE JUDGE

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BY HAND

July 9, 2009

Re: *Anwar et al. v. Fairfield Greenwich Limited, et al.*, Docket No. 09 CV 0118 (VM); *Morning Mist Holdings Limited et al. v. Fairfield Greenwich Group et al.*, Docket No. 09 CV 5012 (VM)

Hon. Theodore H. Katz
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Dear Judge Katz:

We represent Fairfield Greenwich Advisors LLC and other Fairfield entities (the "FG Defendants") in a derivative action captioned *Morning Mist Holdings Limited et al. v. Fairfield Greenwich Group et al.*, Docket No. 09 CV 5012 ("*Morning Mist*"), which has been consolidated into *Anwar et al. v. Fairfield Greenwich Limited, et al.*, Docket No. 09 CV 0118 ("*Anwar*"). Counsel representing the *Morning Mist* plaintiffs also represent plaintiffs in the derivative actions captioned *David I. Ferber SEP IRA v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2366 ("*Ferber*") and *Pierce et al. v. Fairfield Greenwich Group, et al.*, Docket No. 09 CV 2588 ("*Pierce*"), which similarly have been consolidated into *Anwar*. Plaintiffs in *Morning Mist*, *Ferber*, and *Pierce* (collectively, the "Derivative Actions") have moved for remand and to vacate consolidation.

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On May 13, 2009 and June 19, 2009, your Honor combined the briefing of the remand motions, directing that any opposition to all three of the motions shall be filed by July 24, 2009, and that plaintiffs' reply papers shall be filed by August 3, 2009.[1]

On June 24, 2009, the *Morning Mist* plaintiffs moved to vacate consolidation of *Morning Mist* and to seek appointment of their counsel as Co-Lead Derivative Counsel in the *Anwar* Consolidated Action. Given the significant overlap in issues raised by the motions to remand, the motions to vacate consolidation, and the motion to appoint Co-Lead

[1] The FG Defendants intend to oppose the requests to vacate consolidation of *Ferber* and *Pierce* at the same time that they oppose plaintiffs' requests to remand those actions.

Derivative Counsel, and to save the resources of the parties and the Court, the FG Defendants request that the briefing of these motions be combined, so that the time for any party to submit papers in opposition to these motions be set for July 24, 2009. The FG Defendants further request that the time for the plaintiffs in the Derivative Actions to submit reply papers on these motions be extended from August 3, 2009 to August 17, 2009.

We have consulted with counsel for the defendants who have been served in *Morning Mist*, as well as counsel for the *Morning Mist* plaintiffs and the Interim Co-Lead Counsel in the *Anwar* Consolidated Action, and there are no objections to the proposed schedule, except that the *Morning Mist* plaintiffs believe that the portion of their June 24 motion seeking the appointment of Co-Lead Derivative Counsel should be briefed on the current schedule and we understand their counsel intends to submit a letter to the Court addressing that issue by close of business tomorrow.

We appreciate the Court's attention to this matter.

Respectfully yours,

Mark G. Cunha

Enclosures

cc: The Honorable Victor Marrero (by hand)

All Counsel in *Anwar* (by email)

SO ORDERED

7/13/09

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE